

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Clifford A. Lowe, et al.	)	
	)	CASE NO. 1:19-CV-748-JG
Plaintiffs	)	
v.	)	JUDGE JAMES S. GWIN
	)	
ShieldMark, Inc., et al.	)	
	)	
Defendants	)	

**PLAINTIFFS’ MOTION FOR RECONSIDERATION OF THE OPINION & ORDER  
(DOC. #154) DIRECTING PLAINTIFFS TO FILE ALL DOCUMENTS  
RELATING TO OWNERSHIP, LICENSING, AND STANDING  
REGARDING THE ‘664 PATENT**

Now come Plaintiffs Clifford A. Lowe and InSite Solutions, LLC (“Plaintiffs”), through their undersigned counsel, and request that this honorable Court reconsider its Opinion & Order (Doc. #154) identified in the caption above. The Order was issued an hour before Plaintiffs had the opportunity to file “Plaintiffs’ Reply in Support of Their Notice to Court of the Continued Standing of Clifford A. Lowe (Doc. #151).” That reply is embodied in the accompanying brief in support filed contemporaneously herewith.

Reconsideration is necessary because:

1. The requested documents, left unredacted, contain highly sensitive, confidential business information pertaining to a third party. The redacted documents clearly show that transfer of ownership of the '664 patent was expressly excluded and that ownership remains in Plaintiff InSite. The remaining information is completely unnecessary for a resolution of the issue at hand and contains the confidential information of a non-party;
2. The Court’s Opinion & Order (Doc. #154) was issued before Plaintiffs were given their lawful opportunity to file (within seven days) a reply to the multiple new issues raised in

Doc. #153 entitled “Defendants’ Memorandum in Response to Notice to the Court of the Continued Standing of Plaintiff Clifford Lowe (Doc. #151)” ;

3. While filing under seal prevents access by the public, ***it notably, and most prejudicially to Plaintiffs, does not bar access by Defendants***, who are aggressive competitors of Plaintiffs in the floor marking tape market;
4. It is respectfully presented that the accompany brief in support fully addresses each and every question advanced by the Court regarding ownership, licensing, and standing of Lowe and InSite Solutions, LLC (co-plaintiffs throughout this litigation), thus obviating any further concern and negating the issues raised by Defendants;
5. Notably, this Court denied entry (Doc. #140) of the protective order tendered by the parties through Defendants’ filing (Doc. #115). Yet Defendants, on June 30, 2022, presented to the undersigned counsel, documents marked “CONFIDENTIAL—ATTORNEYS EYES ONLY” as if a protective order existed; and
6. Should the Court not find the accompanying brief and exhibits in support sufficient to resolve this matter, it is respectfully requested that the filings under seal be treated as for *in camera* review since the issue involved is the legal issue of standing, not involving any information necessary for Defendants’ consumption, and which would be damaging to a non-party.

Dated: July 6, 2022

Respectfully submitted,

/s/ Ray L. Weber

Ray L. Weber (0006497)

Laura J. Gentilcore (0034702)

RENNER, KENNER, GREIVE, BOBAK,

TAYLOR & WEBER

106 South Main Street, Suite 400

Akron, OH 44308  
Telephone: (330) 376-1242  
Fax: (330) 376-9646  
E-mail: [rlweber@rennerkenner.com](mailto:rlweber@rennerkenner.com)  
E-mail: [ljgentilcore@rennerkenner.com](mailto:ljgentilcore@rennerkenner.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing

**PLAINTIFFS' MOTION FOR RECONSIDERATION OF THE OPINION & ORDER  
(DOC. #154) DIRECTING PLAINTIFFS TO FILE ALL DOCUMENTS  
RELATING TO OWNERSHIP, LICENSING, AND STANDING  
REGARDING THE '664 PATENT**

has been filed electronically on July 6, 2022, with the United States District Court for the Northern District of Ohio. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Ray L. Weber  
Ray L. Weber